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3/19/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re the Application of

Pal Maliga, et al.

Serial No. 09/762,105

Filed: April 23, 2001

For: "Translation Control  
Elements for High-Level Protein  
Expression in the Plastids of  
Higher Plants and Methods of  
Use Thereof"

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Examiner: Anne R. Kubelik  
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Group Art Unit: 1638  
:  
Response to Paper No: 10  
:  
:  
Docket: 1594-RUT.00-0010US

Certificate of Mailing Under 37 CFR §1.8(a)

I hereby certify that this Correspondence is being deposited on February 18, 2003 with the United States Postal Service as first-class mail in an envelope properly addressed to COMMISSIONER OF PATENTS AND TRADEMARKS, Washington, DC 20231.

*Janice M. Nightlinger*  
Janice M. Nightlinger

Petition for Extension Under 37 CFR §1.136(a)

The undersigned hereby petitions for an extension of time of ONE (1) month beyond the time period set in the last office communication. The proper fee under 37 CFR §1.17 is enclosed.

*Kathleen D. Rigaut*  
Kathleen D. Rigaut, Ph.D., J.D.

Computation of Additional Fee

[ ] No Additional Fee is required.  
[ X ] A check is enclosed in the amount of \$ 55.00

\*Applicant is a Small Entity.

In the event the check is improper, or the fee calculation is in error, the Commissioner is authorized to charge any underpayment or credit any overpayment to the account of the undersigned attorneys, Account No. 04-1406. A duplicate copy of this sheet is enclosed.

DANN, DORFMAN, HERRELL AND SKILLMAN  
A Professional Corporation

By

*Kathleen D. Rigaut*  
Kathleen D. Rigaut, Ph.D., J.D.  
PTO Registration No. 43,047

Telephone: (215) 563-4100  
Facsimile: (215) 563-4044

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re the Application of ) Examiner: Anne R. Kubelik  
Pal Maliga et al. ) Art Unit: 1638  
Serial No. 09/762,105 )  
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For: "Translation Control )  
Elements for High-Level )  
Protein Expression in the )  
Plastids of Higher Plants )  
and Methods of Use Thereof")

AMENDMENT AND REQUEST FOR RECONSIDERATION

UNDER 37 C.F.R. §1.111

In response to the Official Action dated December 17, 2002 please amend the above-identified application as follows:

**In the specification:**

At the indicated page and line numbers, please replace the existing paragraphs with those set forth below.

3' [(Page 3, line 12)] Key components of the prokaryotic translation machinery have been identified in plastids, including homologues of the bacterial IF1, IF2 and IF3 initiation factors and an S1-like ribosomal protein (Stern et al., 1997). Most plastid mRNAs (92%) contain a ribosome binding site or SD sequence: GGAGG, or its truncated tri- or tetranucleotide variant. This sequence is similar to the bacterial SD consensus 5'-UAAGGAGGUGA-3' (SEQ ID NO: 28; Voorma, 1996). High level expression of foreign genes of interest in the plastids of higher plants is extremely desirable. The present invention provides novel genetic translational control elements for use in plastid

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